## UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF MISSOURI

| SECOND AMENDMENT FOUNDATION, INC.,   | )                       |
|--|-------------------------|
| Plaintiffs,  | )                       |
| ٧.   | ) Case No. 4:12-CV-1316 |
| CHRIS KOSTER, in his Official Capacity as  | )<br>)                  |
| Attorney General of the State of Missouri; and TOM NEER, in his Official Capacity as | )                       |
| Sheriff of St. Charles County, Missouri,   | )                       |
| Defendants.  | )<br>)                  |

## [PROPOSED] ORDER OF ENTRY OF PRELIMINARY INJUNCTION

This matter came before the Court on Plaintiffs' motion for the entry of a preliminary injunction. After the consideration of the facts and legal arguments contained in the pleadings and written submissions, as well as oral argument, the Court grants the Plaintiffs' Motion, and further makes the following ruling:

The Court finds that the Plaintiffs have been denied their Second Amendment rights (as incorporated to the State of Missouri through the Fourteenth Amendment), and their Fourteenth Amendment equal protection rights as a result of Revised Statutes of Missouri § 571.101.2(1), which denies Plaintiffs and other legal resident aliens residing in Missouri the right and ability to obtain a concealed carry endorsement for the public carrying of concealed firearms for self-defense, and that

• the Plaintiffs have suffered and continue to suffer irreparable harm as a result,

- that the Plaintiffs are likely to succeed on the merits in this matter,
- that the balance of interests favors the Plaintiffs, and
- that providing equal protection of the law, and the respecting of constitutional rights, is in the public interest.

Therefore, the elements for entering a preliminary injunction in Plaintiffs' favor have been met.

ACCORDINGLY, the Court hereby issues this order preliminarily enjoining Defendants, their officers, agents, servants, employees, and all persons in active concert or participation with them who receive actual notice of the injunction, from enforcing Revised Statutes of Missouri § 571.101.2(1), which denies non-citizens the right to obtain a concealed-carry endorsement, thus denying them the ability to carry a concealed firearm in public for self-defense.

Upon entry of the preliminary injunction, the Defendants shall allow Plaintiffs and other legal resident aliens residing in Missouri to apply for a concealed carry endorsement for the public carrying of concealed firearms for self-defenses, provided they are otherwise-qualified to obtain said concealed carry endorsement.

The Court finds that no security is required as the Defendant will not suffer financial harm by issuance of this order. This injunction shall remain in place pending the conclusion of this litigation.

SO ORDERED.

| This the day of | , 2013.                  |  |
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|                 | The Hon. Charles A. Shaw |  |

United States District Judge

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